

PROB 12C
(7/93)

United States District Court

Report Date: January 8, 2010
FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

JAN 11 2010

Eastern District of Washington

JAMES R. LARSEN, CLERK
DEPUTY
RICHLAND, WASHINGTON

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Abraham G Diaz

Case Number: 2:05CR06055-001

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, U.S. District Judge

Date of Original Sentence: 5/19/2006

Original Offense: Felon in Possession of a Firearm, 18 U.S.C. § 922(g)(1)

Original Sentence: Prison - 30 Months; TSR - 24 Months Type of Supervision: Supervised Release

Asst. U.S. Attorney: James P. Hagarty Date Supervision Commenced: 3/28/2009

Defense Attorney: Rick Lee Hoffman Date Supervision Expires: 3/20/2010

PETITIONING THE COURT**To issue a summons.**

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1 **Special Condition # 17:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Abraham Diaz is considered in violation of his period of supervised release in the Eastern District of Washington by using a controlled substance, marijuana, on or prior to November 24, 2009, and December 25, 2009.

On November 24, 2009, the defendant was incarcerated at the Franklin County Work Release in Pasco, Washington on a Franklin County District Court matter. While at the facility the defendant was directed to supply a urine sample for testing. The sample was sent to Sterling Laboratories and returned positive for the presence of marijuana on November 30, 2009.

On December 25, 2009, the defendant was serving his 7 days at the Franklin County Work Release which was ordered by the Court on October 9, 2009. While at the facility the defendant was directed to supply a urine sample for testing. The sample was sent to Sterling Laboratories and returned positive for the presence of marijuana on December 30, 2009.

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On January 5, 2010, the defendant reported to the probation office in Richland and supplied a urine sample for testing. This sample returned presumptive positive for marijuana. The sample was forwarded for confirmation and has not returned.

It should be noted the results of the positive tests on November 24, 2009, and December 25, 2009, were provided to the probation office on January 4, 2010. The defendant has stated he is currently attending outpatient substance abuse treatment with Unity Counseling Services. When asked if he had reported his use to the treatment provider the defendant stated they knew about the November use.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 01/08/2010

s/David L. McCary

David L. McCary
U.S. Probation Officer

THE COURT ORDERS

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- Other

David L. McCary

Signature of Judicial Officer

1/8/10

Date